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NO. 1126

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970.

PEOPLE OF THE STATE OF ILLINOIS,
Ex Rel. PETER S. SARELAS,
Petitioner,

vs.

BOARD OF MANAGERS AND COMMITTEE ON
GRIEVANCES OF THE CHICAGO BAR ASSOCIATION,
AS COMMISSIONERS OF THE SUPREME COURT OF
ILLINOIS,
Respondents.

REPLY OF PETITIONER TO BRIEF OF RESPONDENTS.

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INDEX

	Page
Examples of Discriminatory and Unequal Application of Illinois Disciplinary Proceedings	5
Examples of Statements Published and Circulated by Officials of the Chicago and Illinois Bar Associations, Relating to the Judiciary, and Publications in the Official Organ of Chicago Bar Association	13
Additional Publications Relating to Judges and Courts	18
Reply to Contents of Appendix III of Respondents' Brief	19
Conclusion	24

CITATIONS.

Cases

Ashby v. White, 2 Ld. Raym. 930, 935	23
In re Chicago, R.I. & P. Ry. Co. 162 F.2d 606, 611	21
Constantin v. Smith, 57 F.2d 287, 235-236	5
Hatfield v. Bailleaux, 290 P.2d 632, 636	19
Jackson v. Railroad Commission of Texas,-12 F. Supp. 348, 350	5
Lawrence v. Hagerman, 56 Ill. 68, 78	23
Louisiana State Board of Education v. Baker, 339 F.2d 911, 913	4
Marbury v. Madison, 1 Cranch (U.S.) 137, 163	23
People v. Graber, 405 Ill. 331, 90 N.E.2d 763,773	3
School Board of City of Charlottesville, Va. vs. Allen, 240 F.2d 59, 63	4
In re Michael Serritella, 5 Ill.2d 392, 125 N.E.2d 531, 538	7

Page

Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 84, 86 N.E.2d 875 ---------- 23

Spires v. Botterf, 317 F.2d 273, 274 ---------- 21

Stancato v. Chicago Business Men's Ass'n, 246 Ill. App. 464, 466 ---------- 3

State v. Duncan, 270 N.C. 241, 154 S.E 2d 53,57 -- 3

Stiltner v. Rhay, 322 F.2d 314, 316 ---------- 19

Tranowski v. Chicago Bar Association, 309 F.2d 421, 422 ---------- 6-7

Yates v. Village of Hoffman Estates, 209 F. Supp. 757, 759 ---------- 21

Ex parte Young, 209 U.S. 123, 159-160 ---------- 4.

CONSTITUTION.

United States Constitution, Fourteenth Amendment 19

Constitution of Illinois, Article II, Section 19 23

Constitution of Illinois, Article VI, Section 5 3

STATUTES.

Illinois Revised Statutes, 1967-1969, Chapter 110A, Section 751(a) ---------- 4, 6

Illinois Revised Statutes, 1967-1969, Chapter 110A, Section 751(b) ---------- 1,22

REFERENCES.

Canon One of Professional Ethics ---------- 8,20

Canon 29 of Professional Ethics ---------- 8,21

Chicago Bar Record ---------- 16,17

Guide to Subversive Organizations and Publications 10

Illinois Bar Journal ---------- 17

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Respondents' Brief in opposition to the Petition is not responsive. Conclusions are asserted as facts without any supporting reference to the Record.

The Record clearly demonstrates that the respondents proceeded to act unconstitutionally, without jurisdiction, without authority, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth verbatim on page 5 of Petition, and without a complainant,

or any witness appearing to testify, and without evidence. (Petition, Statement of the Case, pages 7 to 27, with specific references to the Record).

It was admitted by the attorney for a pretended, unseen, and unheard of complainant, and for the purported commissioners, that there was no evidence; that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Supplemental Record, transcript of proceedings had on April 2nd, 1970, page 32).

The same attorney had stated that he had no witnesses. (Vol. I of Record, transcript of proceedings, page 41; Petition, Appendix A, page 8).Petition, page 12, par.(h).)

Petitioner's repeated demands for respondents to furnish him the names of witnesses, if any, and a list of documents proposed to be offered in evidence, were all denied. (Vol. Five, Addendum to Record, page 23; Vol. I of Record, page 53; Vol. I, transcript of proceedings of October 6, 1966, page 21, last paragraph; page 23, 7th and 8th paragraphs; Vol. I, transcript of proceedings of November 10, 1966, page 65, 3rd paragraph; page 66, first paragraph; Petition, Appendix A, page 11; Petition, paragraph (o), pages 17-18).

The Record clearly demonstrates that the respondents have proceeded unconstitutionally, without jurisdiction and without authority, to act as a super-court or board of inquisition, outside of, or over and above,the duly constituted State and Federal Court system, to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the petitioner of the equal right to sue, to be party litigant, to give evidence,

and to the full and equal benefit of laws and proceedings. (Petition, pages 7-27, giving specific references to the Record.)

As was said in People v. Graber, 405 Ill. 331, 90 N.E.2d 763 at 773, first column:

"*** if the action sought to be prohibited is judicial in its nature, it may be prevented by the writ of prohibition, although the tribunal or person to whom the writ is addressed is not in name a court or judge. 'Thus, the writ lies not only to inferior judicial tribunals, but also to inferior ministerial tribunals, possessing incidentally judicial powers and known as quasi-judicial tribunals.' 42 Am. Jur., Prohibition, sec. 14. Or, stated somewhat differently, 'when an administrative or executive board or tribunal is acting in a judicial or quasi-judicial capacity, prohibition will lie where it is acting without jurisdiction or in excess of its jurisdiction' 50 C.J., Prohibition, sec. 41." (Emphasis added).

The Constitution of Illinois, Article VI, Section 5, authorizes the exercise by the Illinois Supreme Court of original jurisdiction in prohibition, mandamus, among other cases. (Illinois Revised Statutes, 1965-1969, page 18).

"'Judicial discretion' implies conscientious judgment, not arbitrary or willful action, and it takes account of law and particular circumstances of the case and is directed by the reason and conscience of the Judge to a just result." State v. Duncan, 270 N.C. 241, 154 S.E. 2d 53, 57).

"For a judge to pursue a course which is contrary to law is not the exercise of judicial discretion, but simply a violation of the law by the judge." Stancato vs. Chicago Business Men's Ass'n, 246 Ill.App. 464, 466,

No provision is made in the overbroad and vague Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, set forth verbatim on page 5 of the Petition, for examination of qualifications and for certification from any governmental authority of the persons, foisted by their own private arrangement to act as "commissioners". Examples of their illegal and unethical activities are described on pages 21-27 of the Petition with documentation and specific references to the Record.

Frank Greenberg, who signed, issued and circulated a paper labeled "ORDER", personating a judicial official and simulating legal process, stated that such "ORDER" was decided by a "quorum" and that the Commissioners "sat in judgment".

He refused to furnish a copy of by-laws or rules to petitioner, defining what constitutes a "quorum". He also refused to state the names of members of the Board of Managers and Committee on Grievances, who participated and approved the making, issuance and circulation of the paper labeled "ORDER". (Petition, page 20, first and second paragraphs).

> "A state can act only through agents; and whether the agent be an individual officer or a corporate agency, it ceases to represent the state when it attempts to use state power in violation of the Constitution and may be enjoined from such unconstitutional action." School Board of City of Charlottesville, Va. v. Allen, 240 F.2d 59, 63, (4 Cir. 1956, Cert. denied).

Additional authorities: Louisiana State Board of Education, v. Baker, 339 F.2d 911, 913, (Cir. 5, 1964); Ex parte Young, 209 U.S. 123, 159-160, 52 L.Ed. 714, 729.

"It is therefore the imperative duty of courts, from which they may not turn aside, to restrain conduct which, in the guise of officialdom, and in the name of authority, imposes arbitrary restraints, takes property without due process, denies the equal protection of the laws." Jackson v. Railroad Commission of Texas, 12 F.Supp. 348, 350, (Dist. Court, W.D.Texas' Austin Division, 1935).

The Court further said at page 350:

"Attempts of state officials or boards, no matter how abstractly well conceived or beneficially applied, to enforce laws with regard to matters committed to their care, by punitive measures or retributive exactions invented by themselves, or by other means not authorized by law, strip them, as to those actions, of their official character, and subject them personally to the compulsive force of remedial decrees. Constantin v. Smith, (D.C.) 57 F.2d 227 at pages 235, 236; Sterling v. Constantin, 287 U.S. 378, 53 S.Ct.190, 77 L.Ed. 375."

"*** For, independent of each other in their respective spheres as are the state and federal governments, the Constitution of the United States is the supreme law of the land, and the courts of the United States, as the repositories of federal judicial power, are compelled to and will assert and vindicate its supremacy, <u>to protect the rights of individuals menaced by personal aggression masked under official power.</u> (Citing authorities)." Constantin v. Smith, 57 F.2d 227, 235-236 (D.C. E.D. Texas, Tyler Division, 1932). (Emphasis added).

Examples of Discriminatory and Unequal Application of Illinois Disciplinary Proceedings.

The assemblage of persons purporting to act as commissioners, without examination of their qualifications, and without certification from any governmental authority, also violate

the publicly declared policy of the Chicago Bar Association, that the "Committee" does not "review Court decisions"; that the "Committee" does not "intervene in favor of wither party to a law suit"; that "The Committee has no power to review court decisions or to review or alter a ruling or decree of court"; that "The Committee is not a court". (Vol. Five, Objections of Respondent to "Report", page 11, first par.).

The Chicago Bar Association in a letter dated April 26, 1938, to Jim Gaparas, 659 East 47th Street, Chicago, Illinois, who had complained against his attorney who embezzled his money, stated:

"The Bar Association Committees do not act as courts of review".

Gaparas' complaint was dismissed without a hearing.

In another letter to Jim Gaparas, dated May 2nd, 1938, the Chicago Bar Association, stated:

"*** It is a matter of privilege, rather than right, that you appear before our Committee".

(Vol. Five, Objections of Respondent to "Report", page 11, third and fourth paragraphs).

In another matter where the attorney received thousands of dollars from his client to defend him in a criminal case, and the attorney failed to appear and defend the client, the United States Court of Appeals, 7th Circuit, confirmed the discriminatory and unequal application of Section 101.59 of Chapter 110 (now Section 751(a) of Chapter 110A), Illinois Revised Statutes, 1961-1969, by the Chicago Bar Association. The Court stated in Tranowski v. Chicago Bar Association,

309 P.2d 421 (October 9, 1962) at page 422:

> "The Board or Committee has no duty to recommend disciplinary action in every inquiry, and none to report its action in every inquiry to the Supreme Court. It follows that the only pertinent duty the Association had was to permit plaintiff to complain."

(Vol. Five, Objections of Respondent to "Report", page 11, last two paragraphs.)

In re Michael A. Serritella, Attorney, Respondent, was charged, among other charges, that he "was aiding and abetting the defrauding of the County of Cook (Illinois) by cashing payroll checks issued to a fictitious person."5 Ill.2d 392, 125 N.E.2d 531, 532. The commissioners recommended censure. The Illinois Supreme Court decided: "The recommendation of the commissioners is denied and the rule discharged." 125 N.E.2d at 535, last two paragraphs.

The Illinois Supreme Court quoted from the case of In re Mitgang, 385 Ill.311, 324, 52 N.E.2d 807, 813:

> "'In order to warrant disbarment or suspension the record must be free from doubt not only as to the act charged but also as to the motive with which it is done.(Citations). A lawyer will not be subjected to discipline merely upon suspicious circumstances.'" 125 N.E.2d at 535.

Gerard A. Serritella, brother of Michael A. Serritella, was an intermeddler in plaintiff's (petitioner's) litigation, holding himself out as being able to influence the outcome of cases without judicial inquiry, in favor of the defendants in petitioner's litigation. (Vol. Five, Objections of Respondent to "Report", page 27, 2nd paragraph; page 40,

1st paragraph; Vol. 1 of Record, page 62, 6th paragraph). The commissioners have shielded and protected Gerard A. Serritella.

The commissioners also shielded and protected John C. Gekas, an attorney, who presented and filed his own petition in the Probate Court of Cook County, Illinois, to have his client, Peter Skontos, declared incompetent, without Notice and without a hearing, in order to destroy the client who was demanding his money, which was withheld and misappropriated by Gekas, his attorney.

The attached Appendix to the Objections of Respondent to "Report" in Volume Five, of Record, relates with specificity the multiple ordeals inflicted against the client by attorney Gekas and his collaborators, hastening the client's death.

Canon 29 of the Canons of Professional Ethics, admonished:

> "Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client."

Canon One of the Canons of Professional Ethics, admonished:

> "Whenever there is proper ground for serious complaint of a judicial officer it is the right and duty of the lawyer to submit his grievances to the proper authorities." (Emphasis added).

The commissioners also shield and protect Manuel J. Robbins, attorney for the First Mutual Savings Association, now defunct, indicted for criminal offenses under Title 18, Section 371, U.S.C., (using the mails to sell unregistered securities); Title 15, Sections 773(a)(1), and 77q(a), U.S.C., (using the

mails in a scheme to defraud), as described in Case No.66 CR 477, United States District Court for the Northern District of Illinois, Eastern Division. (Vol. Five of Record, Objections of Respondent to "Report", page 33, 2nd paragraph; Vol. III of Record, page 233. last paragraph, continued on page 234.

The commissioners also shield and protect William H.Alexander, who made and filed a false and perjurious affidavit, known to be false and perjurious, and proven to be false and perjurious by the certified copies of the records of the Clerk of the Circuit Court of Cook County, Illinois. (Vol. Five of Record, page 45; Vol. III of Record, page 374, last two paragraphs, continued on page 375, first five paragraphs.)

The commissioners also shield and protect Anthony M. Anzalone, Hollis L. Green and Cecil A. Partee. They were total strangers, unknown and unheard of by John W. Porter, a bed-ridden invalid, 76 years old, with an amputated leg, when on February 18, 1967, they seized and kept his property and assets, without authority.

On February 22, 1967, Anzalone, Green and Partee, caused John W. Porter's home to be invaded again. Anzalone was accompanied by a nurse who had been dischraged for refusing to make restitution of the moneys and property extracted from John W. Porter, with forged and falsified bills, represented to be for medical supplies. Anzalone was also accompanied by the husband of the discharged nurse, a gunman who was boasting of his shooting propensities. Anzalone ordered John W. Porter's trusted and competent nurse to "get out". Anzalone ordered that the discharged nurse will begin working.

John W. Porter succumbed to the ordeals inflicted against him and he died on April 15, 1967, within less than two months from February 18, 1967, when he became the target of Anzalone, Hollis and Partee, attorneys. They prevented an autopsy and destroyed the evidence as to the cause of his death on April 15, 1967, by causing John W. Porter's body to be cremated on April 17, 1967. The excuse circulated for the cremation was that John W. Porter was a Mason, and Masons were cremated. (Vol. Five of Record, pages 46-49; Vol. III of Record, page 375, last two paragraphs; page 376, and page 377, first four paragraphs).

No account was ever made by Anzalone, Green and Partee, for the property and assets of John W. Porter, which was seized and kept since February 18, 1967.

The commissioners also shield and protect John C. Gekas, Spiros D. Soter, ring leaders, and their collaborators, who combined to commit assault, riot and defamation, while the petitioner was presiding as president of the Hellenic Professional Society of Illinois, asserting the right of the Society to function as a lawful and patriotic entity, without the infiltration of known subversives and communists who sought to use the name of the Society as a front and shield for the "Greek-American Council, Chicago Chapter", incorporated May 2, 1945, in Illinois, which was and is classified and described as subversive and a communist front in the House of Representatives Document No. 226, page 42, and in Document No. 398, page 50, both entitled "Guide to Subversive Organizations and Publications". (Vol. Five of

Record, Objections of Respondent to "Report", page 26,second paragraph; Vol. I of Record, page 59, second paragraph).

The above named Spiros D. Soter, a ring leader with John C. Gekas, both shielded and protected by the "commissioners", was arrested for selling narcotics, and other related offenses. The Chicago Tribune Article of July 13, 1965, page 7, Section 2, states: "that drug addicts from thruout the City were visiting his 15th floor office at 55 E. Washington St."; "that Mr. Soter had prescription books in his office containing the names of at least 15 known dope addicts." (Vol. Five, Objections of Respondent to "Report", page 26, last 2 paragraphs; Exhibit 5, page 26-A; page 27, first paragraph; Vol. I, page 59, second and third paragraphs; Vol. II, page 157, paragraph (d); page 219, last two paragraphs, continued on page 220.)

Spiros D. Soter, shielded and protected by the "commissioners", circulated and caused to be circulated a libelous and defamatory article against lawyers, published in "Atlantis", New York,"An American Newspaper Published in Greek", November 22, 1959, on page 13 of "Section II Pictorial Magazine".

A xerocopy of said article and a literal translation thereof, are attached as Exhibits "7" and "7-A", page 29-A, attached to page 29, of Objections of Respondent to "Report", Volume Five of Record. Reference to page 29 is to paragraph 5 thereof.

The aforementioned John C. Gekas, shielded and protected by the "commissioners", advertised repeatedly his legal services, soliciting for himself legal business, in two different Chicago publications. (Vol. I of Record, page 61 (misnumbered 62), 6th paragraph).

The commissioners also shield and protect Basil Christoforacos, with two alias names, who entered the United States illegally, via Argentina, in 1947. He boasted of his criminal exploits in Greece as a communist, and threatened:

"There will be another round by the communists in Greece with blood flowing so that a calf could swim".

Petitioner was threatened and threats were conveyed to him, including the following:

"I will cut you to pieces when I see you".

"Tell him to get out of town or I will kill him".

"You are going to die, you are going to die, you are going to die, you understand that? You are going to die".

"I cut your throat when I see you".

(Vol. Five of Record, Objections of Respondent to "Report", page 28, paragraph 4, continued on page 29; Vol. I, page 67, second, third and fourth paragraphs).

The commissioners also shield and protect Harry G. Fins, and Oscar M. Nudelman. During the pendency of petitioner's private litigation, Fins was boasting and threatening the petitioner, that he was activating and interfering to procure decisions in favor of the defendants in said litigation, without judicial inquiry.

Harry G. Fins, sought to extort money from petitioner, threatening that petitioner's litigation would be lost, unless petitioner purchased justice through Fins. Harry G. Fins demanded: "Supply and Demand; Supply and Demand; Supply and Demand". (Vol. Five of Record, Objections of Respondent

to "Report", page 29, last two paragraphs, continued on page 30, first line; Vol. I of Record, page 59, last two paragraphs, continued on page 60, first two lines.)

Because the petitioner refused to purchase justice through Harry G. Fins, he circulated and published repeatedly inside and outside the courthouses, papers containing descriptions of petitioner's private litigation, known to Fins to be false, distorted and fictitious, calculated to be used as instruments of wrongdoing and to obstruct justice. Such descriptions were also circulated and published repeatedly by Fins' collaborator, Oscar M. Nudelman, inside and outside the courthouses.

The statements of Oscar M. Nudelman, quoted in the Affidavits, Exhibits "1" and "2", pages 69-74, 75-82 of Volume I of Record, reveal the extent and depth of their intentional malevolent offenses. (Vol. Five, Objections of Respondent to "Report", page 30, first two paragraphs; Vol. I of Record, page 60, first two paragraphs.)

Examples of Statements Published and Circulated by Officials of the Chicago and Illinois Bar Associations, Relating to the Judiciary, and Publications in the Official Organ of the Chicago Bar Association.

1. Walter H. Moses, president of the Chicago Bar Association, in 1963, was condemned by eleven judges in Cook County, Illinois, for publishing and circulating court bribe charges, bringing the courts into disrepute. The condemnation was widely publicized in the Metropolitan newspapers of Chicago. The Chicago Daily News of May 9, 1963, on page 6, column 1, reported:

"The association formally charged that the shakedowns

were occuring in Municipal, Superior, Circuit, Criminal, Probate and Traffic Courts here."

Walter H. Moses, in a statement published in the Chicago Tribune, on May 9, 1963, on page 10, Section 1, admitted that his charges against the court clerks were a "generalized statement." (Vol. Five of Record, Objections of Respondent to "Report", page 12, beginning with third paragraph, continued on page 13; Vol. I of Record, page 67, first paragraph; Vol. III of Record, page 377, last paragraph, continued on page 378).

2. In the Chicago-Sun-Times of November 15, 1956, on page 35, under the bold type headline of "URGES 'BIG STICK' TO GOVERN JUDGES", are reported the declarations of a past president of the Chicago Bar Association:

"Under our present system a judge is not accountable to anyone but himself. Judges should be held accountable to some director with a soft voice who would place emphasis on the big stick." (Vol. Five of Record, page 13, of Objections to "Report".)

3. The Chicago Tribune of November 15, 1947, in big bold type headline letters announced:

"BAR GROUP FINDS GRAFT IS PAID TO CITY COURT AIDS".

In the same column, page 1, the following statement is found:

"In a supplemental statement , Erwin W. Roemer, president of the bar association, asserted that the petty racket did not stop within the precincts of the Municipal Court and its adjuncts, but presumably extended to the State and Federal courts and to other public offices."

(Vol. Five of Record, pages 13-14, Objections of Respondent to "Report").

4. Chicago's American of February 21, 1960, on page 42, reported what a past president of the Illinois State Bar Association, said:

"Some said courts are infiltrated with politics and politicians and they are merely an adjunct of a political party." (Vol. Five of Record, Objections of Respondent to "Report", page 14).

5. The Chicago Daily News of August 7, 1969, page 5, last 3 columns, in big bold type headline letters announced:

"Greenberg reform plan

"BAR CHIEF ASKS END TO 'HACKS' ON BENCH".

The article quotes the "Bar Chief": "Some judges 'have no better qualifications for the judicial system than the brownie points they got working for their political parties'". (Vol. Five of Record, Objections of Respondent to "Report", page 15).

6. The Chicago Bar Association sponsored a stage production in December of 1969, in which a Federal Judge presiding in the Conspiracy "7" criminal trial, was cruelly defamed, ridiculed, and insulted, with the resultant wounding of his feelings and humiliation to his person and to his official position. As the presiding Judge during the trial, he could not respond and publicize his protest to protect his honor and his office as a Federal Judge. Such bizarre debasement of a Federal Judge also offended the sense of propriety and good taste of worthy people.

Reference is made to Chicago Tribune: December 19, 1969, editorial page; December 24, 1969, Voice of the People letter, Section 1, page 8; December 27, 1969, Voice of the People letter,

Section 1, page 12; December 30, 1969, Section 1, page 3, last 3 columns; January 8, 1970, Section 1, page 3.
Chicago Daily News: December 30, 1969, page 4, last 2 columns; January 8, 1970, page 8, last 2 columns; January 9, 1970, page 17, last 2 columns; January 9, 1970, page 3, 3rd column;
Chicago Tribune: January 9, 1970, page 1, columns 3-5;
Chicago Sun-Times: December 20, 1969, page 24, columns 1-4; December 30, 1969, page 22, columns 1-4; January 9, 1970, page 5, columns 1-2;
Chicago Today: December 18, 1969, page 20, editorial columns 1-2; December 20, 1969, page 6, columns 4-5.
(Vol. Five of Record, Objections of Respondent to "Report", page 15).

7. The "Chicago Bar Record" of January 1965, official publication of the Chicago Bar Association, published and circulated under the heading of "WHAT'S WRONG WITH TRIAL COURTS--OR 'DEAD FLIES IN THE OINTMENT'", the address given at the American Bar Association, Section on Judicial Administration, on August 10, 1964, by Elmo Lyon (page 189).

The following classifications of judges were published and widely circulated, with comments under each classification:

"1. The judge who thinks he is anointed--not merely appointed." (page 189).

"2. Fails to realize that justice, not speed, should be the aim of all litigation." (page 190).

"3. The assumption he is a presiding officer." (page 190).

"4. Fails to realize that justice must appear to be done as well as being done." (page 191).

"5. Has no consideration for the time and energy of the lawyers involved." (page 191).

"6. Assumes he knows as much about the case as the lawyer who has worked on it for months." (page 192).

"7. Considers lawyers and juries as sometimes necessary but always nuisances." (page 192).

"8. The law-loving judge." (page 193).

The author prefaces his comments under the above quoted classifications with the following statement:(page 189, second column, second paragraph):

"Equally certain there are few judges who to some degree have none of the bad attitudes. From these bad attitudes flow bad habits, incorrect practices, and the ends of justice are too often defeated."

(Vol. Five of Record, Objections of Respondent to "Report", page 17).

8. The Chicago Bar Record of October 1969, published an article by the Governor of Illinois. In his discussion of "Three Problems with our Courts", the Governor states(page 8):

"The third is bad law--inequities, defects and rigidities in the law--which, in fact, impedes the swift and impartial administration of justice to our citizens."

(Vol. Five of Record, Objections of Respondent to "Report"p.17).

The same article was published in the Illinois Bar Journal of October 1969, under the bold type headline,"THE CRISIS IN OUR COURTS".(page 94). (Vol. Five, Objections to "Report",p.18).

Additional Publications Relating to Judges and Courts.

1. The Chicago Tribune of October 30, 1947, on page 1, in big bold type headline letters announced:

"JURORS' GROUP VERIFIES DRAFT IN CITY COURTS".

(Vol. Five of Record, Objections of Respondent to "Report" page 13.)

2. The Chicago Tribune of June 11, 1940, editorial page, quoted the then Governor of Illinois;

"In Illinois, it is no longer a question what law you have on your side, but what lawyer."-- Dwight H. Green, in an address before alumni of the University of Chicago Law School. (Vol. Five of Record, Objections of Respondent to "Report", page 14.)

3. The Chicago Tribune of January 12, 1961, on page 1, first column, in big bold type headline letters, announced:

"U. S. ATTORNEY QUITS; BLASTS JUDGES HERE".

(Vol. Five of Record, Objections of Respondent to "Report", page 14.)

4. Chicago's American of April 4, 1961, on page 4, in big bold type headline letters, announced:

"TRANSFER 32 BAILIFFS IN COURT SHIFT SCANDAL".

(Vol. Five of Record, Objections of Respondent to "Report", page 14.)

5. The Chicago Tribune of May 5, 1959, on page 1, in big bold type headline letters, announced:

"INSIDE STORY OF 'FIXING' IN COURT IS TOLD";

"Some Make $1,000 a Week: Clerk".

(Vol. Five of Record, Objections to "Report", page 14.)

Appendix III of Respondents' Brief Contains a Supplementa of Unfounded and Unproven Conclusions.

Under the label of "Conclusion", Appendix III, pages 12-13 of respondents' Brief, signed by Lester Asbyr alone, his conglomerate of unfounded and unproven conclusions is represented as factual, without any reference to the Record. It is denied by petitioner.

No "Matters in Chancery" were sued by petitioner. Thomas J. Vaughan, admitted in his affidavit that he was not acting as a master in chancery or referee, and admitted that the statement in a certificate, circulated without notice or copy to petitioner, that he was a Master or Referee, when he was appointed only as a deposition commissioner for discovery, was not true. (Vol. Five of Record, Objections of Respondent to "Report", page 51, third paragraph; page 57, last three paragraphs; page 58, first paragraph; Vol. I of Record, page 60, last two paragraphs, continued on page 61 (misnumbered 62), first four paragraphs; Vol. II of Record, page 154, paragraph 15(a); page 160, paragraph 18(b); page 232, last six lines, continued on page 233, first paragraph; page 269, sub-paragraphs (a) and (b), continued on page 270; pages 270-275, sub-paragraphs (c) through (j).

The Fourteenth Amendment to the Federal Constitution, guarantees equal access to state and federal courts under the Due Process Clause. Stillman v. Hay, 9 Cir., 322 F.2d 314, 316; Enfield v. Billicam, 9 Cir., 290 F.2d 692, 696.

A series of articles in the Chicago Sun-Times, points out expose the various illegal techniques of masters, including

Thomas J. Sheehan. The articles appeared on January 9, 1962, page 1; January 10, 1962, page 1; January 11, 1962, page 4; January 12, 1962, page 4; January 14, 1962, page 3.

The techniques of Thomas J. Sheehan, are described in the edition of January 9, 1962, at page 14, 1st column.

Headlines with big bold type letters in the edition of of January 9, 1962, on page 1, state:

"AN ABUSE OF COURTS?

"MASTERS IN CHANCERY--- OUR INVISIBLE JUDICIARY."

In the Chicago Sun-Times of January 9, 1962, on page 4, the headline in bold type letters, announces:

"BAR GROUPS SEEK END TO MASTER-IN-CHANCERY SETUP".

The article includes the following statements:

"Court interpretation holds 'their duties are primarily ministerial and clerical; they are not vested with judicial powers nor can such powers be delegated to them by the court'."

"Chapter 90 also requires each master to make quarterly reports on all moneys which may have come into his hands by virtue of his office from any source whatsoever and which have not been paid out by order of court."

(Vol. Five of Record, Objections of Respondent to "Report", page 37, beginning with the second paragraph.)

Canon One of the Chicago and Illinois Bar Association Professional Ethics admonished:

> "Whenever there is proper ground for serious complaint of a judicial officer it is the right and duty of the lawyer to submit his grievances to the proper authorities."

"... Not every action by a judge is in exercise of his judicial function. For example, it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse." Yates v. Village of Hoffman Estates, 209 F. Supp. 757, 759, (U.S.D.C., N.D. Ill. E.D. 1962).

"Defendant as a judge possessed power by virtue of a state law and made it possible for him to do what he is charged with doing. (Citing U.S. Supreme Court Decisions)" Spires v. Bottorf, 317 F.2d 273, 274, (7 Cir. 1963).

"Excuse for misconduct may not be found in the fact that the wrongdoer is a judge." In re Chicago, R.I. & P. Ry. Co., 162 F.2d 606, at 611 (7 Cir. 1947).

In petitioner's Complaint against a state judge sued as an individual for actionable wrongs committed outside his judicial role, the Federal District Judge's Order stated:

"On Motion of pltff, words 'Judge of the Superior Court of Cook County stricken in caption of Motion to Dismiss. Any reference to Deft's judicial position in body of Motion to Dismiss is ordered stricken."

(Vol. Five of Record, Objections to "Report", page 39, first paragraph; Exhibit "B", page 39-A).

Canon 29 of professional ethics of the Chicago and Illinois Bar Associations, admonished:

"Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession', and should accept without hesitation employment against a member of the Bar who has wronged his client."

John W. Scheltheff, attorney for a pretended, unseen and unheard of complainant, and for the purported commissioners, admitted that there was no evidence; that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Supplemental Record, transcript of proceedings had on April 2nd, 1970, page 32, first paragraph).

The same attorney had stated that he had no witnesses. (Vol. I of Record, transcript of proceedings page 41; Petition, page 12, paragraph (h); Petition, Appendix A, page 8).

The Record clearly demonstrates that the respondents have proceeded unconstitutionally, without jurisdiction, without authority, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth on page 5 of the Petition, and without a complainant or any witness having appeared to testify, and without evidence.

Moreover, the respondents have proceeded unconstitutionally, without jurisdiction and without authority, to act as a super-court or board of inquisition, outside of, or over and above, the duly constituted State and Federal Court system, to review, re-adjudicate, inquire into, intermeddle, interfere with, obstruct and deprive the petitioner of the equal right to sue, to be party litigant, to give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property. (Petition, pages 7-27, giving specific references to the Record.)

> "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection." Marbury v. Madison, 1 Cranch 137, 163, C.J. Marshall.

The equal right to protection of person, property or reputation, and "to find a certain remedy in the laws for all injuries and wrongs," is explicitly guaranteed by the Illinois Constitution, Article II, Section 19.

> "And it is no objection to say that it will occasion multiplicity of actions; for if men will multiply injuries, actions will be multiplied; for every man that is injured ought to have his recompense." Ashby v. White, 2 Ld. Raym. 930, 935, (Holt, C.J.)

Additional authorities: Lawrence v. Hagerman, 56 Ill. 68, 78; 8 Am. Rep. 674; Shelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 84, 86 N.E.2d 875.

Respondents' Appendix III on pages 12-13 of their Brief, consists of a conglomerate of pre-conceived conclusions, signed by Lester Asher alone, without any reference to the Record, and with malice aforethought. The contents are patently fictitious and unfounded, calculated to deceive and mislead, therefore, a fraud upon the Court.

The examples of respondents' behavior pattern, described on pages 5 to 17, beginning with the last paragraph on page 5, herein, with specific references to the Record, demonstrate that they shield and protect malefactors and persons engaged in illegal and unethical activities.

Their use of publicity is a defensive instrumentality, intimidating and defaming, even the judiciary, with the ulterior motive of concealing and preventing exposure of their unethical and illegal practices.

The respondents pretend to function as commissioners of the Illinois Supreme Court, without examination of their qualifications by a governmental authority, without the oath administered to them, and without taking and subscribing to the oath or affirmation to function as commissioners, and without certification by any governmental authority.

In reality, their behavior described on pages 5 to 17, beginning with the last paragraph on page 5, and on pages 7 to 27 of the Petition, negates and subverts Constitutional government and establishes anarchy.

CONCLUSION.

For the reasons stated in the Petition and in this Reply to respondents' Brief, it is respectfully submitted, that the Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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